

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 88303

Earl Leighton Davis

8640 Hoerner Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 9, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(3)(5); Baltimore County Zoning Regulations (BCZR) section 428, failure to cease storage of an unlicensed/inoperative motor vehicle, failure to repair/replace roof, failure to repair/replace rear porch railing and concrete, failure to repair/replace all rotted wood on eave and house on residential property.

On February 14, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$12,000.00 (twelve thousand dollars).

The following persons appeared for the Hearing and testified: Earl Leighton Davis, Respondent and, Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

Subsequent to a complaint of a neighbor the property in question was inspected on 1/12/11. The inspection revealed the presence of junk, trash, and debris, as well as a 6 to 8 foot sunken roof section of rotted wood on this end of group residence. A re-inspection on 1/20/11 showed no change as well as the presence of an unlicensed motor vehicle on the property. A contractor was sent to remove the junk and debris. On 1/31/11 trash and debris was gone, but the structural problems and the motor vehicle remained. Inspections on 2/20/11 and 3/7/11 revealed no change. Several prior violations over time were noted. The Respondent testified that he was making arrangements for the

vehicle to be donated to charity and removed immediately and that he had contacted an MHIC licensed contractor to repair the roof damage.

Having heard the testimony and evidence presented at the hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$10,000.00 (ten thousand dollars) regarding the repairs needed to bring the house into compliance.

IT IS FURTHER ORDERED that \$9,950.00 of the \$10,000.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$9,950.00 (nine thousand nine hundred fifty dollars) will be imposed if the property is not brought into compliance by June 13, 2011.

IT IS FURTHER ORDERED that the remaining \$9,950.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars) regarding the need to license and make operable the unlicensed/inoperative motor vehicle.

IT IS FURTHER ORDERED that \$50.00 of the \$100.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$50.00 will be imposed if compliance is not met by April 11, 2011.

IT IS FURTHER ORDERED that the remaining \$50.00 will be imposed if there is a subsequent finding against the Respondent for the same violation

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25TH day of March 2011

Signed: ORIGINAL SIGNED
Lawrence M. Stahl
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

LMS/jaf